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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

2006 MAR -1 P 2:33

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE FORMAL
COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT OF PAC-WEST
TELECOMM, INC. AGAINST QWEST
CORPORATION.

DOCKET NO. T-03693A-05-0875
DOCKET NO. T-01051B-05-0875

PROCEDURAL ORDER

BY THE COMMISSION:

On December 6, 2005, Pac-West Telecomm, Inc. ("Pac-West") filed with the Arizona Corporation Commission ("Commission") a complaint against Qwest Corporation ("Qwest"). In that complaint, Pac-West requested an expedited procedural order or procedural conference.

On December 14, 2005, a procedural conference was held pursuant to Procedural Order issued on December 12, 2005.

At the procedural conference, Qwest's counsel stipulated on behalf of Qwest that it will not disconnect Pac-West's service while the matter is before the Commission. The parties further agreed that another procedural conference should be held after the parties submit a joint statement of stipulated facts.

On December 14, 2005, by Procedural Order, the parties were ordered to file a Joint Stipulation of Facts by January 25, 2006. A procedural conference was also scheduled for January 30, 2006.

On January 25, 2006, the parties filed a Joint Motion to Extend Time to File Joint Stipulation of Facts until further notice.

On January 26, 2006, by Procedural Order, the parties were granted an extension of time to file the Joint Stipulation of Facts.

On January 30, 2006, the procedural conference was held as scheduled. The parties agreed to continue developing a Joint Stipulation of Facts and agreed to also develop a Joint Statement of Issues.

1 On March 1, 2006, a procedural conference was held pursuant to Procedural Order issued on
2 January 30, 2006. Pac-West stated that it believes the matter is ready to move forward with a
3 briefing schedule and that the matter should be decided without a hearing, solely on the basis of legal
4 arguments. Qwest stated that it wishes to file an amended Answer in the matter. Qwest also
5 requested additional time for discovery relating to which circuits carry Virtual NXX traffic and which
6 carry Internet Service Provider bound traffic. Qwest stated that after discovery is complete, it may
7 request an evidentiary hearing rather than proceeding solely on the basis of legal arguments made by
8 the parties.

9 IT IS THEREFORE ORDERED that Qwest's amended Answer shall be filed with Docket
10 Control no later than March 20, 2006.

11 IT IS FURTHER ORDERED THAT Qwest's request for an additional period for discovery
12 shall be granted.

13 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
14 regulations of the Commission, except that: until March 31, 2006 any objection to discovery requests
15 shall be made within 7 days¹ of receipt and responses to discovery requests shall be made within 10
16 days of receipt; thereafter, objections to discovery requests shall be made within 5 days and responses
17 shall be made within 7 days of receipt. The response time may be extended by mutual agreement of
18 the parties involved if the request requires an extensive compilation effort. No discovery requests
19 shall be served after April 14, 2006.

20 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
21 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
22 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
23 request, a procedural hearing will be convened as soon as practicable; and that the party making such
24 a request shall contact all other parties to advise them of the hearing date and shall at the procedural
25 hearing provide a statement confirming that the other parties were contacted.²

26 IT IS FURTHER ORDERED that a **procedural conference** shall be scheduled on **April 20,**

27 ¹ "Days" means calendar days.

28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 **2006 at 10:00 a.m.** for the purpose of determining how to proceed after the completion of discovery.

2 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
3 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

4 Dated this 1 day of March, 2006

5
6 
7 AMY BJELLAND
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 1 day of March, 2006 to:


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25 By: 
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